

The Administrative Law Judge found claimant suffered a compensable injury without permanent impairment. Claimant appeals and requests the Appeals Board find a permanent impairment and enter an award based upon a work disability. The respondent and its insurance carrier deny claimant has met her burden of proving a compensable injury or, in the alternative, that the Administrative Law Judge's Award should be affirmed. Accordingly, the issues for determination by the Appeals Board are as follows:

- (1) Nature and extent of disability, if any;
- (2) Whether claimant suffered personal injury by accident on the date alleged;
- (3) Whether claimant's alleged accidental injury arose out of and in the course of her employment with respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire record and considered the briefs and arguments of the parties, the Appeals Board finds:

The Award entered by the Administrative Law Judge should be affirmed.

The findings of fact and conclusions of law as enumerated in the Award by the Administrative Law Judge are found to be accurate and appropriate and are hereby adopted by the Appeals Board as its own as if specifically set forth herein. The Appeals Board agrees that claimant has sustained her burden of proof that the disputed back and ankle injury did result from an accident at work and further finds that said accident did arise out of and in the course of her employment with respondent.

The Appeals Board further adopts the analysis of the evidence by the Administrative Law Judge regarding the nature and extent of claimant's disability. Specifically, the Appeals Board finds that the claimant has not proved by a preponderance of the credible evidence that she has any permanent impairment or is in need of permanent restrictions. The Appeals Board concurs with the finding by the Administrative Law Judge that claimant suffered a temporary injury that did not result in any permanent disability.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark dated May 15, 1995 should be, and hereby is, affirmed in all respects, and the orders contained in the Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of March 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James B. Zongker, Wichita, KS

Boyd A. Byers, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director